

**Remarks**

This application has been carefully reviewed in light of the Final Office Action dated August 8, 2007. By way of this amendment, claims 1, 2, 4-17, 19-22, and 29 have been amended. Claims 1, 2, 4-17, 19-22, 24-27, and 29 are currently pending. Further review and reconsideration is requested in light of the remarks below.

**OBJECTIONS**

Claims 6, 7, 8, and 22 have been objected to for various informalities. Particularly, claim 6 recites the number “30”, claim 7 recites the word “storage” twice, claim 8 has an antecedent basis problem for the term “VSC”, and claim 22 is grammatically incorrect. Accordingly, claims 6, 7, 8, and 22 have been amended to correct these informalities. The objection should be withdrawn.

**PRIOR ART**

The Examiner has used several publications in rejecting the claims of the present application. Particularly, the Examiner has rejected claims 1, 2, 4, 6-13, 17, and 19-21 under 35 U.S.C. §102(a) as being anticipated by Rajagopalan (US2003/0160514); and claims 22, 24-27, and 29 have been rejected under 35 U.S.C. §102(a) as being anticipated by Welches et al. (US2004/0084965).

These references are not prior art under §102(a). §102(a) states that a person shall be entitled to a patent unless – “the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the

**Application No. 10/729,428**

**Response Date: November 6, 2007**

**Reply to Office Action of August 8, 2007**

**Page 12**

---

invention thereof by the applicant for patent....” Neither of these references pre-date the invention thereof by the applicant.

As stated on the first page of this application, “This application claims the benefit of priority under 35 U.S.C. 119(e) to U.S. Provisional Application No. 60/431,464 filed 06 Dec. 2002....” Both Rajagopalan and Welches et al. were published after the filing date of the Provisional Application. Particularly, Rajagopalan was published on August 28, 2003 and Welches et al. was published on May 6, 2004, well after the Provisional Application filing date of December 6, 2002.

As stated in MPEP 706.02(a)(II)(C), “For 35 U.S.C. 102(a) to apply, the reference must have a publication date earlier in time than the effective filing date of the application, and must not be applicant’s own work.” MPEP 706.02(V)(D) states “If the application properly claims benefit under 35 U.S.C. 119(e) to a provisional application, the effective filing date is the filing date of the provisional application for any claims which are fully supported under the first paragraph of 35 U.S.C. 112 by the provisional application.” Accordingly, these rejections should be withdrawn.

### **ANTICIPATION**

Claims 1, 2, 4, 6-13, 17, and 19-21 have been rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Publication No. 2003/0160514 (Rajagopalan). Claims 22, 24-27, and 29 have been rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Publication No. 2004/0084965 (Welches et al.). Claims 1 and 5 have been rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 6,198,176 (Gillette). These

rejections are respectfully traversed.

The Examiner submits that Rajagopalan anticipates claims 1, 2, 4, 6-13, 17, and 19-21. As discussed above, Rajagopalan is not prior art. Thus, the rejection should be withdrawn with respect to these claims. Further, Applicant respectfully submits that even if Rajagopalan was prior art, it does not anticipate these claims. Claim 1 recites a static converter, an electrical power storage subsystem, an electrical power generator, and a control system coupled with the static converter, the electrical power storage subsystem, and the electrical power generator, such that continuous backup power is provided to the load by both the electrical power storage subsystem and the electrical power generator simultaneously and cooperatively. Rajagopalan does not disclose these elements and, thus does not anticipate claim 1. Claims 2, 4, 6-13, 17, and 19-21 depend from claim 1 and would thus be allowable for the same reasons that claim 1 would be allowable.

The Examiner submits that Welches et al. anticipates claims 22, 24-27, and 29. As discussed above, Welches et al. is not prior art. Thus the rejection should be withdrawn with respect to these claims. Further Applicant respectfully submits that even if Welches et al. was prior art, it does not anticipate these claims. Claim 22 recites a multimode control system coupled with the STATCOM, the UPS, and the electrical power generator. The multimode control system controls the operation of each of the STATCOM, the UPS, and the electrical power generator, such that the STATCOM, the UPS, and the electrical power generator simultaneously and cooperatively provide reactive power and real electrical power in any combination before, during, or after a disturbance or outage on an electrical

---

grid. Welches et al. is concerned with using a UPS to control a variable speed generator. It does not disclose a control system that controls the operation of several power sources simultaneously and cooperatively to provide reactive and real power and, thus does not anticipate claim 22. Claims 24-27 and 29 depend from claim 22 and would thus be allowable for the same reasons that claim 22 would be allowable.

Claim 1 is not anticipated by Gillette. Claim 1 has been amended to recite a static converter, an electrical power storage subsystem, an electrical power generator, and a control system coupled with the static converter, the electrical power storage subsystem, and the electrical power generator, such that continuous backup power is provided to the load by both the electrical power storage subsystem and the electrical power generator simultaneously and cooperatively. Gillette does not disclose a static converter or interface. Gillette uses a rotating interface or a "ride-through module (RTM) 20" which includes a synchronous motor-generator (SMG) 24 to control the magnitude, frequency and relative phase angle of the voltage and current. Gillette makes it very clear in Column 4 that the SMG is a rotating interface when it discusses the need to provide "shaft power to drive the SMG 24". Accordingly, the rejection should be withdrawn.

Claim 5 depends from clam 1, and is thus believed to be allowable for the reasons stated above.

## **OBVIOUSNESS**

### **Claims 11 and 14-16**

Claim 11 has been rejected under 35 U.S.C. §103(a) as being unpatentable over

**Application No. 10/729,428**

**Response Date: November 6, 2007**

**Reply to Office Action of August 8, 2007**

**Page 15**

---

Rajagopalan in view of U.S. Publication No. 2003/0229423 (Andarawis et al). Claim 14 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,392,856 (Kehril et al.). Claim 15 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Publication No. 2002/0175522 (Wacknov et al.). Claim 16 has been rejected under 35 U.S.C. §103(a) as being unpatentable over Rajagopalan in view of U.S. Patent No. 6,134,124 (Jungreis et al.). These rejections are respectfully traversed.

The Examiner uses Rajagopalan in each of the above rejections. As discussed above, Rajagopalan is not prior art and should not be used. Further, claims 11 and 14-16 all depend from independent claim 1. Rajagopalan does not anticipate or render claim 1 obvious, thus claims 11 and 14-16 are believed to be allowable for the reasons stated above.

In view of the above, it is submitted that the claims are in condition for allowance. Reconsideration of the objections and rejections is requested. Allowance of claims 1, 2, 4-17, 19-22, 24-27, and 29 at an early date is solicited.

If any fees are due in connection with this paper, the Director is authorized to charge them, or credit any overpayments, to Deposit Account No. 50-4137.

Respectfully submitted,  
/Brandon C. Trego/  
Brandon C. Trego  
Registration No. 53,702

**Application No. 10/729,428**  
**Response Date: November 6, 2007**  
**Reply to Office Action of August 8, 2007**  
**Page 16**

---

**Trego, Hines & Ladenheim, PLLC**  
**9300 Harris Corners Parkway, Suite 210**  
**Charlotte, North Carolina 28269**  
**Tel. 704-599-8911**  
**Fax: 704-599-8719**  
**e-mail:bct@thl-iplaw.com**  
**File No. 1036/3US**